

Exhibit P

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CITY OF ROHNERT PARK, OFFICER DEAN BECKER (RP134)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRENDAN JOHN RICHARDS, THE  
CALGUNS FOUNDATION, INC., and THE  
SECOND AMENDMENT FOUNDATION,  
INC.,

Plaintiffs,

v.

KAMALA HARRIS, Attorney General of  
California (in her official capacity),  
CALIFORNIA DEPARTMENT OF JUSTICE,  
CITY OF ROHNERT PARK, OFFICER DEAN  
BECKER (RP134) and DOES 1 to 20,

Defendants.

CASE NO.: CV 11 2493 LB

**DECLARATION OF BRIAN  
MASTERSON, DIRECTOR OF THE  
DEPARTMENT OF PUBLIC SAFETY FOR  
THE CITY OF ROHNERT PARK**

I, Brian Masterson, declare and state as follows:

1. I am the current Director of the Rohnert Park Department of Public Safety, a department that oversees both fire and police services for the City of Rohnert Park, California. I have been employed as a peace officer since 1981, and have acted as Director of Public Safety for the City of Rohnert Park since 2008. The matters set forth in this declaration are known to me personally and if called upon to testify, I could and would testify thereto.

2. I have reviewed Arrest Report # 2010000912 (Case # 10-0001930) relating to Officer Becker's arrest of Brendan Richards. As reflected in that report, among the various weapons, ammunition and magazines seized as evidence was a DRACO weapon with a pistol grip

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1 that looks similar to an AK-47. It was apparently equipped with what I believe plaintiffs' refer to  
2 as a "bullet button." I understand the term "bullet button" to refer to an after-market accessory that  
3 attaches to the magazine of a firearm, "fixing" the magazine in place until a tool is used to detach  
4 the magazine. The magazine of a firearm equipped with a "bullet button" can be detached with the  
5 use of any small solid object, such as the tip of a bullet, or an Allen wrench or small screwdriver.

6 3. Also based on the report, I am informed and believe that another weapon seized and  
7 identified by Officer Becker as an assault weapon under California law was a an AMEETEC Arms  
8 WM-15 model firearm. I am informed and believe that this firearm appeared to Officer Becker to  
9 be a semi-automatic centerfire rifle with the capacity to accept a detachable magazine and that it  
10 had the superficial physical appearance of an assault weapon.

11 4. I have reviewed the Physical Evidence Examination Report prepared by Criminalist  
12 John Yount of the California Department of Justice, Bureau of Forensic Services, Case Number  
13 SR-10-002044-0001, dated August 16, 2010 (the "Report"), which appears to have been prepared  
14 after Mr. Richards' arrest and based upon evidence submitted for analysis. Based on the Report, it  
15 appears that the California Department of Justice, at least with respect to the Senior Criminalist  
16 who prepared the Report, takes the position that a weapon equipped with a "bullet button" does not  
17 "have the capacity to accept a detachable magazine" and thus does not meet the definition of a an  
18 unlawful assault rifle as that term is defined by California Penal Code § 30515.

19 5. According to the Report, it was also John Yount's opinion that the WM-15, which is  
20 a semi-automatic, centerfire rifle with a detachable magazine, lacked any of the further identifying  
21 characteristics that constitute an assault weapon under California law. (e.g., it did not have a pistol  
22 grip, or a flash hider)

23 6. In my opinion, and given the Department of Justice's Report in this case and the lack  
24 of clear judicial authority available as guidance, it is difficult for officers in the field to determine,  
25 with certainty, whether a weapon equipped with any particular "bullet button" meets the definition  
26 of a rifle "with the capacity to accept a detachable magazine". Furthermore, it is my opinion that  
27 the definitions of "pistol grip" and "flash hider" make it difficult for officers in the field to  
28 determine if a firearm that looks like an assault weapon is in fact an assault weapon, as such items

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1 can be confused with similar-looking devices that are apparently not illegal.

2 7. Based upon my review of the Arrest Report, I believe that, given all circumstances  
3 confronting Officer Dean Becker at the time of the underlying incident, it was reasonable for  
4 Officer Becker to believe that a crime had been committed. However, I also believe that it would  
5 be helpful for our officers and for the general public if the State of California or some judicial  
6 authority were able to clarify more specifically the criteria it considers to be relevant in determining  
7 whether a particular weapon is an assault weapon, particularly as it applies to bullet buttons, pistol  
8 grips and flash hidens.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing  
10 is true and correct. Executed this 16th day of December, 2013.

11   
12 BRIAN MASTERSON

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